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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,890	12/21/2000	Adrian Sparks	476-1969	1275
23644	7590	07/13/2006	EXAMINER	
BARNES & THORNBURG, LLP			TRAN, DZUNG D	
P.O. BOX 2786			ART UNIT	
CHICAGO, IL 60690-2786			PAPER NUMBER	
			2613	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/745,890

Applicant(s)

SPARKS ET AL.

Examiner

Dzung D. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Specification***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Chi et al. U.S. Patent no. 6,654,341.

Regarding claims 1, 3 and 4, Chi discloses a network node for an optical shared protection scheme network (figure 3) each network node (for example node 310, 320, 330, 340) being arranged to provide optical signals to at least two transmission paths (figure 3, working and protect paths), the node comprising a link aggregation router (e.g., switches 310, 320, 330, 340, 502, 504, 506, 508, ..., 601, 602, 603, 604, 612, ..., 710, 720, 730, 740, for example, Figure 7 shown the node comprise a link aggregation router or switches 710, 720, 730, 740 that aggregates signals from OC12 links to OC48 link) having at least two ports (see figures 3-7), a first port connected to a first path (e.g., equivalent to a working transmission path) and a second port connected to second path (e.g., equivalent to a shared protection transmission path) such that in failure free

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operation both the working transmission path and the shared protection path carry traffic (col. 4, lines 6-52).

Regarding claim 2, Chi further discloses the ring optical network (figures 3 and 6) wherein an optical switching device ((e.g., switches 310, 320, 330, 340, 502, 504, 506, 508, ..., 601, 602, 603, 604, 612, .., 710, 720, 730, 740) arranged to switch the optical signals from working path to spare paths in either direction around the ring (figures 3 and 6., col. 4, lines 14-42).

Regarding claims 5 and 6, Chi further discloses the shared protection scheme is an optical shared protection ring (figures 3 and 6) and wherein an optical switching device (figure 4) arranged to switch the optical signals from working path to spare paths in either direction around the ring (col. 4, lines 14-42).

Regarding claims 7 and 8, Chi further discloses in Figure 4, a processing unit 412 and the manager module 413 (e.g., it is inherently that the processing unit 412 and the manager module 413 is operated based on a computer program that stored on a machine readable medium) arranged to control the transmission packet.

### ***Response to Arguments***

3. Applicant's arguments filed on 04/25/2006 have been fully considered but they are not persuasive.

**A Rejection of claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Chi et al. U.S. Patent no. 6,654,341.**

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Applicant argues that Chi reference does not disclose or suggest a link aggregation router as recited in claim 1. However as indicated in the rejection of claim 1, Chi discloses the node comprising a link aggregation router (e.g., switches 310, 320, 330, 340, 502, 504, 506, 508, ..., 601, 602, 603, 604, 612, ..., 710, 720, 730, 740; for example, Figure 7 shown the node comprise a link aggregation router or switches 710, 720, 730, 740 that aggregates signals from OC12 links to OC48 link).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

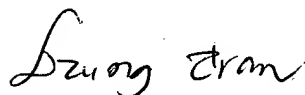
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dzung Tran  
07/08/2006